

IN THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1. *(Currently Amended)* A unisex active wear garment with modified fly-flap and storage pockets, comprising:

a torso section defining a waist opening, the torso section having a front and a rear;

a pair of legs extending from the torso section and defining leg openings, a crotch opening being defined in the torso section between the legs;

~~a fly-flap having a lower end attached to the rear of the torso section and an upper end releasably attached to the front of the torso section, the fly-flap covering the crotch opening when attached to the front of the torso section, the fly-flap having a front surface and a rear surface;~~

~~a releasable fastener attached to the rear surface of the fly-flap and the front surface of the torso section; and~~

a fly-flap having a front surface, a rear surface, a lower end attached to the rear of the torso section and an upper end releasably attached to the front of the torso section;

said fly-flap further including a liner disposed on said rear surface, said liner being shaped and configured to align with and cover only said crotch opening when the upper end of said fly-flap is attached to the front of the torso section;

mating sections of a releasable fastener attached to the rear surface of the upper end of said fly-flap and the front of said torso section, respectively;

the section of releasable fastener attached to the front of said torso section extending from said crotch opening to a point adjacent to said waist opening, and the section of releasable fastener attached to the rear surface of the upper end of said fly-flap extending from said liner to a point adjacent the end of said upper end; and

at least one pocket attached to the front surface of the upper end of said fly-flap, said at least one pocket located opposite the section of releasable fastener attached to the rear surface of the upper end of said fly-flap;

such that when the garment is worn and the mating sections of the releasable fastener are engaged, said fly-flap upper end is attached to the front of said torso section, said upper end of said fly-flap extends to said point adjacent the waist opening, said liner covers said crotch opening, and the at least one pocket is positioned above the crotch opening adjacent the front of the torso section, said at least one pocket extending in front of the abdomen of the garment wearer.

Claim 2. (Original) The unisex active wear garment according to claim 1, wherein said releasable fastener comprises mating sections of hook and loop fastening material attached to said fly-flap and said torso section, respectively.

Claim 3. *(Original)* The unisex active wear garment according to claim 1, wherein said at least one pocket consists of a single pocket having an opening extending towards the waist of said torso section.

Claim 4. *(Original)* The unisex active wear garment according to claim 1, wherein said at least one pocket consists of a single pocket having an opening extending laterally towards one of said legs.

Claim 5. *(Original)* The unisex active wear garment according to claim 1, wherein said at least one pocket comprises a first pocket having an opening extending towards the waist of said torso section and a second pocket having an opening extending laterally towards one of said legs.

Claim 6. *(Original)* The unisex active wear garment according to claim 1, wherein said at least one pocket is made from waterproof material.

Claim 7. *(Original)* The unisex active wear garment according to claim 1, wherein said at least one pocket has an opening defined therein and a releasable fastener disposed about the opening for closing the pocket.

Claim 8. *(Original)* The unisex active wear garment according to claim 1, wherein said at least one pocket has an opening defined therein and a zipper fastener disposed about the opening for closing the pocket.

Claim 9. *(Original)* The unisex active wear garment according to claim 1, further comprising an elastic waistband disposed about the waist of said torso section.

Claim 10. *(Original)* The unisex active wear garment according to claim 1, wherein said torso section and said legs are made from spandex.

Claim 11. *(Canceled)*

Claim 12. *(Original)* The unisex active wear garment according to claim 1, wherein the lower end of said fly-flap is sewn to the rear of said torso section.

Claim 13. *(Withdrawn)* The unisex active wear garment according to claim 1, wherein the lower end of said fly-flap is releasably attached to the rear of said torso section.

Claim 14. *(Proposed Amended)* The unisex active wear garment according to claim 1, further comprising a second releasable fastener having mating sections attached to the rear of said torso section and to the front surface of the upper end said fly-flap, respectively;

whereby said fly-flap is drawn between said legs and temporarily attached to the rear of said torso section in order to expose the crotch opening for eliminating bodily waste.

Claim 15. *(Original)* The unisex active wear garment according to claim 14, wherein said second releasable fastener comprises mating patches of hook and loop fastening material.

Claim 16. *(Currently Amended)* The unisex active wear garment according to claim [[15]] 1, wherein the lower end of said fly-flap is releasably attached to the rear of said torso section, and wherein said at least one pocket comprises ~~four~~ two pockets, including a first pocket having an opening extending towards the upper end of said fly-flap, a second pocket having an opening extending laterally towards one of said legs on the upper end of said fly-flap; and

the fly-flap including a third pocket at the lower end of the fly-flap and having an opening extending towards the lower end of said fly-flap, and a fourth pocket at the lower end of the fly-flap and having an opening extending laterally [[at]] from the lower end of the fly-flap.

Claim 17. *(Withdrawn)* The unisex active wear garment according to claim 16, wherein each of said four pockets further comprises a zipper fastener disposed about the pocket opening.

Claim 18. *(New)* The unisex active wear garment according to claim 9, wherein said point adjacent to said waist opening is between about one-half inch to one inch below said waistband.